

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

W.L., IV AND W.L., V,

*Plaintiffs,*

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SA-19-CV-00607-FB

VS.

SCOTT ASH JAMES ZIRUS, CAMP  
STEWART FOR BOYS INC.,  
AMERICAN INSTITUTE FOR FOREIGN  
STUDY INC.,

*Defendants.*

## **ORDER**

Before the Court is the above-styled cause of action, which was referred to the undersigned for disposition. This Order concerns an ongoing dispute regarding the depositions of Plaintiffs and Defendant Scott Ash James Zirus, who is incarcerated. On September 23, 2020, the Court ordered Plaintiff W.L., IV to formally notice the oral deposition of Zirus. The Court also ordered Zirus to notice the oral deposition of Plaintiff W.L., IV, but ordered that Zirus take the deposition of W.L., V, by written questions. When issues arose with scheduling oral depositions with the prison where Zirus is incarcerated, the Court entered an Order allowing the parties to confer on whether they would rather proceed with all depositions by written questions.

In response, Plaintiffs filed an Advisory [#111] that they wish to proceed with all depositions by written questions. Zirus filed an Advisory [#112] reiterating his objection to not being able to orally depose W.L., V, but withdrawing his request for any additional discovery if the Court does not permit the oral deposition. Plaintiffs then filed a response to Zirus's advisory [#113] that they do not object to the close of discovery with the exception that they wish for Zirus to answer the deposition by written questions that they already served on him.

In light of Zirus's withdrawal of all discovery requests, the Court will order that discovery is closed. The discovery deadline expired on July 30, 2020, under the Court's Scheduling Order. On the day discovery closed, Zirus filed an Advisory with the Court requesting additional discovery. Plaintiffs made no such request prior to the close of discovery regarding Zirus's deposition and instead only raised the issue of Zirus's deposition in response to Zirus's request to depose Plaintiffs. As Zirus has withdrawn his request for additional discovery outside the discovery period, and Plaintiffs have no objection, the Court will order discovery closed, and Zirus is not required to respond to the written questions served by Plaintiffs.

**IT IS THEREFORE ORDERED** that discovery is **CLOSED** in this case and there will be no depositions of Plaintiffs or Zirus, orally or by written questions.

**IT IS FURTHER ORDERED** that Zirus is not required to respond to the deposition by written questions served on him by Plaintiffs.

SIGNED this 26th day of October, 2020.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE